

RESOLUTION NO. 15-00

A Resolution of the Planning Commission, City of Pleasant Hill,
Approving Planning Commission Rules and Procedures

WHEREAS, Section 2-36.11 of the Municipal Code provides that the Commission shall adopt rules for the transaction of its business; and

WHEREAS, on May 11, 1999, the Planning Commission adopted Rules and Procedures to govern the transaction of its business; and

WHEREAS, the Planning Commission now desires to amend the Rules and Procedures to add language regarding time limits for presentations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pleasant Hill amends the "City of Pleasant Hill, Planning Commission, Rules and Procedures", as set forth in Exhibit A attached to this resolution.

ADOPTED by the Planning Commission, City of Pleasant Hill, on March 28, 2000, by the following vote:

AYES:	Commissioners Adams, Fellingner, Hadick, Harris, McDowell, Tubbs
NOES:	None
ABSTAIN:	None
ABSENT:	Commissioner Giblin

RICHARD T. BOTTARINI, Secretary
Planning Commission

Approved as to Form:

DEBRA S. MARGOLIS, City Attorney

CITY OF PLEASANT HILL

PLANNING COMMISSION

RULES AND PROCEDURES

**CITY OF PLEASANT HILL PLANNING COMMISSION
RULES AND PROCEDURES**

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1. INTRODUCTION

1.1 Purpose.

1.2 Other applicable laws.

1.1 Purpose. The purposes of these Rules and Procedures are to:

- (1) ensure the orderly and efficient conduct of the Commission's meetings; and
- (2) promote the right of applicants and citizens to have adequate notice of matters scheduled before the Commission and a fair and reasonable opportunity to appear and be heard on those matters.

1.2 Other applicable laws. In addition to these Rules and Procedures, the procedures of the Commission are governed by:

- (1) California State Law, including:
 - ? The California Planning and Zoning Law generally (Government Code section 65000 and following);
 - ? The Brown Act Open Meeting Law (Government Code section 54950 and following);
 - ? The Subdivision Map Act (Government Code section 66410 and following); and
- (2) Pleasant Hill Municipal Code, including:
 - ? the Zoning Ordinance (Chapter 35);
 - ? the Subdivision Ordinance (Chapter 32); and
 - ? Section 2-36, Planning Commission.

2. OFFICERS AND DUTIES

- 2.1 Election of officers; Term.**
- 2.2 Duties of the Chair.**
- 2.3 Duties of the Vice-Chair.**
- 2.4 Duties of members.**
- 2.5 Secretary.**

- 2.1 Election of officers; Term.** At the first meeting after June 30 of each year, the Commission shall elect a Chair and Vice-Chair. These officers shall serve for one year, or until their successors are elected. If a vacancy in an office occurs, it shall be filled by election and the replacement shall serve for the duration of the unexpired term. (PHMC § 2-36.6)
- 2.2 Duties of the Chair.** The Chair shall preside at all meetings of the Commission, shall decide points of order and procedure, and shall appoint committees as necessary. (PHMC § 2-36.6)
- 2.3 Duties of the Vice-Chair.** The Vice-Chair shall assume the duties of the Chair whenever that person is temporarily unable to serve. If the Chair and Vice-Chair are absent or unable to act, the members present shall elect a Chair Pro-tem. (PHMC § 2-35.6)
- 2.4 Duties of members.** It is the duty of each Commissioner to attend meetings and to cast votes unless excused as outlined below.

Absence from meeting. A member who cannot attend a regularly scheduled meeting because of illness or unavoidable conflict shall notify the Secretary as soon as possible and no later than 5:00 p.m. on the day of the meeting. A member is not considered “absent without cause” if his or her absence is due to illness or unavoidable conflict, and the member gives the Secretary written notice before the day of the meeting that he or she will be absent and giving the reason for the absence.

If a member is absent without cause from three successive meetings, the office becomes vacant and the Commission must immediately notify the City Council of the vacancy. (PHMC § 2-36.10)

Abstention from voting. A Commissioner must abstain from voting if:

- ? the member has a personal or financial interest in the matter; or
- ? the law otherwise declares the member's participation to be a conflict of interest; or
- ? the member is disqualified because of his or her absence from the hearing on the matter and has not reviewed the testimony and evidence presented, and is therefore unable to make the necessary findings.

If a Commissioner is disqualified, he or she shall declare this fact on the record, and the reason for it. The Commissioner shall leave the dais until the matter is concluded, but may remain in the room as an observer. The record of the vote shall show that the Commissioner abstained.

2.5 Secretary. The Secretary to the Commission is the Zoning Administrator or his or her designee. The Secretary shall:

- ? prepare the agenda and set matters for public hearing, including applications, matters raised by referral from the City Council, appeals from decisions of the Zoning Administrator, and other matters as directed by the Commission.
- ? give notice of hearings as required by state law and city ordinance.
- ? take the attendance of Commissioners at each meeting.
- ? maintain a docket of all proceedings, direct the disposition of any exhibits filed in connection with a matter; and prepare the official minutes of each meeting.
- ? take a roll call vote, in alphabetical order, on each matter and maintain a record of it.
- ? prepare a resolution reflecting the Commission's findings and decision for each matter, to be submitted to the Commission for final approval.
- ? examine incoming mail for proper and timely referral and conduct all correspondence on behalf of the Commission through the Chair, including advising applicants of decisions.
- ? carry out other official duties which are assigned by the Commission.

(PHMC § 2-36.6)

3. GENERAL RULES FOR MEETINGS

- 3.1 Meetings open to the public.**
- 3.2 Time and place.**
- 3.3 Cancellation of regular meeting.**
- 3.4 Adjournment.**
- 3.5 Quorum.**
- 3.6 Types of meetings.**
- 3.7 Regulations for public participation.**
- 3.8 Minutes; Recordkeeping.**

- 3.1 Meetings open to the public.** The Commission is subject to the Brown Act Open Meeting Law. All meetings of the Commission are open to the public, except for closed sessions which are authorized to be held in private under the Brown Act. (Government Code §§ 54953; 54956.9)
- 3.2 Time and place.** The regular meetings of the Commission shall be held on the second and fourth Tuesday of each month, at 7:30 p.m., in the City Council Chambers at City Hall, 100 Gregory Lane in the City of Pleasant Hill. When a regular meeting falls on a holiday, the regular meeting will be held one week later, at the same hour and place. (PHMC § 2-36.8)
- 3.3 Cancellation of regular meeting.** The Chair, a majority of the Commission or the Secretary may cancel a meeting for lack of agenda items, for lack of a quorum, or other reason. (See also section 3.5, Quorum.)
- 3.4 Adjournment.** No new matter will be commenced after 10:30 p.m. Meetings will be adjourned by 12:00 a.m. unless the Commission votes to extend the meeting, which may be done in 30-minute increments. A motion for adjournment is always in order and upon a second shall be voted on without debate.
- 3.5 Quorum.** A majority of the membership (four members) constitutes a quorum for the transaction of business. (PHMC § 2-36.9) If there is no quorum, the Chair or Secretary shall adjourn the meeting.

If a Commissioner disqualifies himself or herself on a particular item, his or her presence is not counted in determining the quorum. If there is no quorum on a particular matter, consideration of the matter shall be deferred until a quorum of qualified Commissioners is present. Or, if no quorum is possible, the “rule of necessity” may apply. (See also Section 5.5, Voting.)

3.6 Types of meetings. In addition to the regularly scheduled meetings, the Commission may conduct any of the following types of meetings:

Adjourned meeting. The Commission may adjourn a regular or special meeting to a time and place specified in the order of adjournment. If all members are absent or there is less than a quorum, the Chair or Secretary may declare the meeting adjourned to a stated time and place and post notice of that fact consistent with Government Code section 54955.

Continuance. The Commission may continue any hearing to a subsequent meeting, stating the specific date, time and place. (Government Code § 54955.1)

Special meeting. A special meeting may be called by the Chair or by a majority of the Commission. Notice must be given in conformance with Government Code section 54956. The notice shall state the business to be discussed and no other business may be considered at the special meeting.

Study session. The Commission may hold a study session, open to the public, to review proposals, reports, exhibits or other evidence previously received. No new evidence or testimony will be received at the study session. The Secretary, with the concurrence of the Chair, may schedule such a study session during a regular or special meeting, and shall provide proper notice under Government Code sections 54954 - 54954.2 (regular meeting) or 54956 (special meeting).

3.7 Regulations for public participation. Anyone may record a meeting as long as it does not constitute a disruption of the proceedings.

The Commission may adopt reasonable regulations for public participation, including time limits for public testimony and comment.

Writings which are public records and which are distributed at a public meeting shall be made available for public inspection at the meeting if prepared by the City, or after the meeting if prepared by some other person. (Government Code §§ 54953 - 54954.3, 54957.5) (See also Section 5 below, Decorum; Public Hearing Procedures; Rules of Debate)

3.8 Minutes; Recordkeeping. The Secretary of the Commission shall keep the official minutes of each meeting, which are subject to the approval of the Commission. The Secretary shall also maintain a record of the Commission's determinations and resolutions. (PHMC § 2-36.11)

4. AGENDA PREPARATION; CONTENTS

4.1 Policy.

4.2 Agenda preparation.

4.3 Order of business.

4.4 Agenda posting and distribution.

4.1 Policy. The Commission will not discuss any item of business not placed on the written agenda unless: (1) the item was continued to a specific date during a prior meeting, or (2) by a two-thirds vote the Commission determines that the need to take immediate action arose after the agenda was posted. If other matters are raised by the public under the "Public Comment" portion of the agenda, the Commissioners or staff may briefly respond and may refer the matter to staff or to a subsequent meeting. (Government Code § 54954.2)

4.2 Agenda preparation. The Secretary shall prepare the written agenda in cooperation with the Chair. The agenda shall contain a brief general description of each item of business to be transacted or discussed. The agenda shall specify the time and location of the meeting.

The Secretary shall attempt to balance the agenda scheduling, so that if an agenda date is filled to reasonable capacity (approximately 3 hours), then subsequent items will be scheduled for the next available meeting when possible.

In addition to the items of business, the agenda shall include general information about: explanation of the consent calendar; explanation of public comment procedure; disclosure requirements for political contributions; planning division telephone number; speaker time limits.

4.3 Order of business. The business of the Commission shall be taken up in the following order. Matters may be taken out of order with the consent of the Commission.

- A. Call to order
- B. Pledge of allegiance
- C. Roll call
- D. Public comment (with explanation set forth below)
- E. Consent calendar, including minutes and non-controversial resolutions (with explanation set forth below)
- F. Public hearings
 - F.1 Continued Items
 - F.2 New Items
- G. Study Session
- H. Secretary's announcements
- I. Commissioner comments and announcements
- J. Adjournment

The 'Public comment' portion of the agenda shall state: *"The public is welcome at this time to address the Planning Commission on any matter within the jurisdiction of the Commission, except for items scheduled for 'Public hearing'. Comments are limited to three minutes per speaker."*

The 'Consent calendar' portion of the agenda shall state: *"(Upon the motion of any Commissioner, all items placed on the consent calendar may be acted on collectively and approved in the affirmative. Any Commissioner or member of the public may request the removal of an item from the consent calendar and it will then be considered last under 'Public hearings'.)"*

- 4.4 Agenda posting and distribution.** At least 72 hours before a regular meeting, the agenda shall be posted in a location that is freely accessible to the public -- City Hall and the Police Services Building. The agenda shall also be distributed to the Commissioners, the City Attorney, project applicants, and to anyone who has requested and paid for copies. (Government Code § 54954.1)

5. DECORUM; PUBLIC HEARING PROCEDURES; RULES OF DEBATE; VOTING AND DECISION

- 5.1 Decorum generally.**
- 5.2 Public hearing procedures.**
- 5.3 Commission investigations; Outside evidence.**
- 5.4 Rules of debate.**
- 5.5 Voting and decision; Resolution; Motion for reconsideration.**

- 5.1 Decorum generally.** The Chair and all Commission members shall preserve order and decorum at Commission meetings. Commissioners shall confine their remarks to the agenda item under consideration and speak only when recognized by the Chair, except as otherwise provided in these Rules and Procedures. Once a Commissioner is recognized, he or she shall not be interrupted unless called to order by the Chair.

Any member of the public who wishes to address the Commission shall fill out a speaker's card and present it to the Secretary. While the Commission is in session, any verbal message to a Commissioner shall be through the Chair, and any written message shall be through the Secretary.

If a meeting is interrupted by a person or group so as to render the orderly conduct of the meeting infeasible, the Chair may recess the meeting and may require the removal of individuals who are willfully interrupting the meeting.

- 5.2 Public hearing procedures.** For each scheduled public hearing, the order of the hearing shall normally be as follows. The Chair may change the order in any particular hearing as long as all parties are given an opportunity to be heard.

? **Chair opens the public hearing.**

? **Staff report** presented by the Zoning Administrator or other staff member, including general nature of the proposal, land use considerations, environmental review, public works reports, reports from other departments (if any), and any correspondence received.

? **Presentation by applicant** including his or her designated representative. (If the applicant or a representative does not appear, the Commission may proceed based on the record before it.) The total presentation shall be limited to 15 minutes, unless additional time is authorized by the Chair.

? **Comments by those in support** of the application. These comments are limited to three minutes per speaker. Time is not transferable to other speakers.

? **Comments by those in opposition** to the application. These comments are limited to three minutes per speaker. Time is not transferable to other speakers.

- ? **Response by applicant.** Response shall be limited to five minutes and limited to response to comments by speakers, unless additional time is authorized by the Chair.
- ? **Chair closes the public hearing** (or Commission votes to close it).
- ? **Commission discussion and deliberation.**
- ? **Vote**, which may include direction to staff to prepare the resolution.

During the presentation and comments, the Chair may limit individual presentations and may limit the number of speakers with similar positions. A Commissioner may question any speaker during the hearing, but shall not introduce a motion on the matter until the public hearing is closed. Evidence presented to the Secretary shall, if possible, be photocopied and distributed to the Commissioners and made available for inspection by the public at the hearing.

Any hearing may be continued to the next regular meeting date, or to any other hearing date. If a specific, continued hearing date is announced by the Chair, no further notice need be provided regarding the matter.

- 5.3 Commission investigations; Outside evidence.** A Commission member may, if he or she wishes, inspect the property before the public hearing or meet with proponents or opponents of the proposed project to gather information. However, if a member does inspect the property or gather information outside the public hearing which is relied upon in making a decision, the member should state on the record before the public hearing the nature of the contact or inspection and what information was gathered.

5.4 Rules of debate.

- 5.4.1 Robert's Rules of Order, Newly Revised. For any rule or procedure not covered by these Rules and Procedures, the Chair may rely on a recent edition (1990 Edition/9th Edition or later) for guidance.
- 5.4.2 Rights of the Chair. The Chair may debate and vote as any other Commissioner. However, the Chair may not make a motion unless he or she relinquishes the chair to the Vice-Chair. The Vice-Chair will act as chair until the vote on that motion is completed.
- 5.4.3 Floor debate. A Commissioner wishing to speak shall address the Chair, and upon recognition, shall confine himself or herself to the question under discussion. No Commissioner, once recognized, shall be interrupted unless by a call to order from the Chair. If a Commissioner is

called to order, he or she shall cease speaking until the question of order is determined. Each Commissioner has a right to be heard on all items. No Commissioner shall speak more than once on a subject until every other Commissioner wishing to speak has spoken. In public hearings, Commissioners shall avoid deliberating until all the testimony has been heard. This does not preclude asking questions of clarification at any time.

5.4.4 Motions. Motions should be clearly stated. A motion is not valid until it is seconded. The Chair may state that he or she would entertain a motion. A motion which is in order shall be acted upon unless withdrawn, amended or superseded by a substitute motion. A withdrawn motion shall not be recorded in the minutes. When a motion is pending before the Commission, no person other than a Commissioner shall address the Commission without first obtaining the permission of the Chair. The motion may be restated by the Chair before calling for the vote.

5.4.5 Precedence of motions. When a motion is before the Commission, no other motion shall be entertained except a motion to (in order of precedence):

- ? adjourn, or fix the time of adjournment
- ? table
- ? recess
- ? call for the question
- ? postpone to a certain day, or to postpone indefinitely
- ? amend or substitute

5.4.6 Division of question. If a motion put before the Commission has two or more separable propositions, the Chair may, and on the request of a Commissioner shall, divide the question.

5.5 Voting and decision; Resolution; Motion for reconsideration. A majority of the quorum shall carry the motion, except when otherwise required by law. A motion to recommend a general plan amendment requires a majority vote of the entire Commission. (Government Code § 65354) A tie vote constitutes a denial. A vote to “deny without prejudice” means the applicant may re-file the same or a similar application within the usual one-year waiting period. (PHMC 35-28.12, -29.12, 30A.12, -31.12, -35-12, 34.16)

After a vote is taken on a matter before the Commission, the Chair may direct the Secretary to prepare a resolution reflecting the Commission’s findings and decision, if a resolution is not already prepared. The vote is not considered final until the resolution is reviewed and approved by the Commission. A resolution brought back to the Commission at a subsequent meeting may be placed on the

consent calendar. If the resolution is considered at a subsequent meeting, the Commission may receive no comments from the applicant or the public unless the public hearing has been continued or is re-noticed.

A member voting in the majority may make a motion for reconsideration at the same or at the next regular Commission meeting. If the motion is made at the same meeting and all interested persons are still present, the matter may be considered at that meeting. If the motion is made and approved at the same meeting but all interested persons are not still present, or if the motion is made and approved at the next meeting, the actual reconsideration must occur at the following meeting and a new notice of public hearing given.

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